THE FOURTH DAY.

24th February 1914.

The Assembly met at 12 noon on Tuesday, the 24th February 1914.

26. The need for an amendment in the Towns Conservancy and Improvement Regulation, III of 1076.

Mr. P. A. Adicha Pillai (Member, T. I. C., Changanacherri) said that it was desirable to amend the Regulation so as to invest the Committee with the power to auction the right of selling meat and fish in the town and to collect and credit the sale proceeds to the Town Fund. Under the existing law, the Committee had not the power to lease the right.

Mr. M. K. Kunju Kadir Pillai (Member, T. I. C., Alwaye) requested that the Regulation be modified, so as to give power to the Committee to open public cart-stands in the town and levy tax on them. There was a provision to that effect in the Madras Municipal Act, and he prayed for the introduction of a like provision in Regulation III of 1076.

Dewan's reply.—The law is being amended accordingly.

27. Certain amendments needed in the Court Fees Regulation.

Mr. Vadakkan Ulahannan Ulahannan (Member, Meenachil taluk) said that the new Court Fees Regulation, VI of 1087, caused very great hardship to the people. He particularly referred to the following provisions.

(1) *Schedule I, Article IX.*—Under the expression "copy of any statement, report or *the like*," every conceivable record was brought and no record was accepted in any Court without a half-rupee stamp on it. The poor people therefore found it difficult to obtain justice. The Article should therefore be repealed.

(2) *Schedule II, Article I (b).*—Though the Article exempted from fee all complaints relating to offences for which the Police could arrest without warrant, in some Courts the fee was recovered even in those cases, on the alleged ground that the complaints were brought in that way with the object of evading payment of court fees. Further, the Article fell very heavily on the poor and relief in Criminal Courts became impossible to them. He suggested that the Article should be repealed.

(3) The Courts also compelled the submission of separate applications for copies of each record such as order, decree, judgment &c. In the Revenue offices, a half-rupee stamp paper had to be produced with every application for copies. Another half-rupee stamp had to be affixed to each of the records at the time of filing them. The Courts also would not permit a whole set of records obtained from Revenue office on *one* application being filed with one half-rupee stamp on it, but they insisted on a half-rupee stamp to be affixed to each record in that set, such as copy of chitta, survey plan, *thandaper* &c. The different Courts interpreted the several Articles of the Schedule in their own way, and the Regulation also did not contain unmistakable provisions to check their vagaries. It was absolutely necessary to remove the ambiguity from the Schedule and make the wording of the Articles precise and their application uniform.

(4) In the Revenue offices, vakalats had to be presented on a general stamp paper for half-a-rupee. In addition, the Courts were insisting on a half-

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rupee court fee stamp being affixed to each vakalat, under Schedule II, Article V. That was hard.

Mr. K. Mytheen Pillai (Member, Nominated) said that there was no uniformity in the matter of levying court fees by the several Courts owing to an incorrect understanding of the Court Fees Regulation. Articles VI and VII of Schedule I prescribed fees ranging from a quarter of a rupee to two rupees for copies of decrees or orders having the force of a decree and the High Court had, in their Proceedings dated the 17th Kanni 1088, ruled that a stamp of that value need be affixed only at the time any of those copies were tendered as evidence. But in spite of the ruling, fees were being levied in many Courts and offices for *all* copies of such decrees and orders.

The want of uniformity was noticeable in the application of the other Articles also. For instance, in the Taluk Office and Munsiff's Court at Vilavancode, no court fee stamp was required to be affixed to the copies of records received under one application. In the Eraniel Taluk Cutcherry, a single half-rupee stamp was required for such copies. In the Kalkulam taluk, however, each record covered by the application was required to be stamped with a half-rupee stamp. Similarly, the practice varied from Court to Court in other matters. For the return of original documents filed in Courts, copies of them with a half-rupee stamp for each had to be furnished. That was very hard. The witnesses, who possessed the original documents, tried, therefore, not to obey the summonses from the Court and would not produce the records if they could help it, for fear of having to pay court fees. The result was that the litigant public lost the benefit of documentary evidence, most vital to their cases. The Member prayed that the fee for such copies should be abolished.

Again, in the Padmanabhapuram Principal Munsiff's Court, any application made for striking off a suit on receipt of the decree-amount was not charged, but a half-rupee stamp was required in the Additional Court at the same place. The same difference was noticeable in regard to applications for chellans. Fresh vakalats, duly stamped with half-a-rupee stamp, were required for execution proceedings and for conducting suits remanded under Section 537 of the Code of Civil Procedure. There was no justification for the demand, as the same vakils were conducting the cases.

In conclusion, the Member contended that, whatever might be the fees, uniformity should be enforced in the application of the Schedule, and he prayed for early action in the matter.

Dewan's reply.—Noted. The allegation of absence of uniformity in the matter of levying court fees by the several Courts and offices, will be enquired into.

(2) Criminal Justice.

28. The need for reform in the administration of Criminal Justice.

Mr. P. S. Maruthanayagom Pillai (Member, T. I. C., Padmanabhapuram) said that the subject was one that had been represented in previous sessions of the Assembly; but as the Government had done nothing, and as the subject was an important one, he ventured to bring it up again.

The Member said that his first plea was for the separation of the magisterial and executive functions. In other words, the administration of criminal justice should be taken away from the executive officers, and entrusted to separate officers, who should be placed under the High Court. The revenue officers in whom the magisterial functions were now vested were over-worked. They had not sufficient time to devote to the magisterial cases. Any delay in the disposal of criminal cases was also seriously noticed. All that affected the *quality* of disposal. The Tahsildar-Magistrates, therefore, often disposed of the cases in some way or other, to escape from punishment. The re-

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